TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1934

No. 18

HUEY P. LONG, PETITIONER,

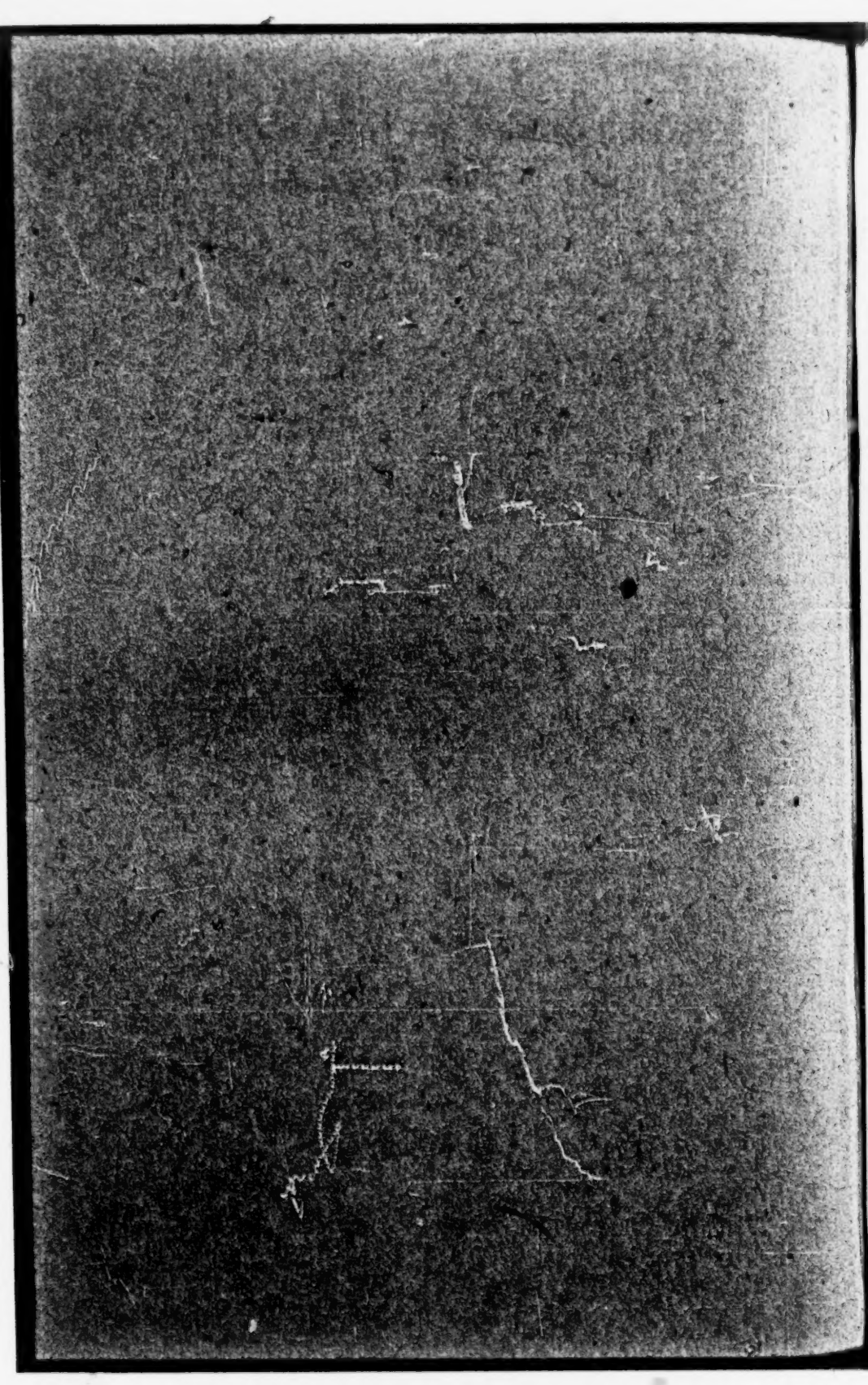
vs.

SAMUEL T. ANSELL

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

PETITION FOR CERTIORARI FILED APRIL 10, 1934

CERTIORARI GRANTED MAY 7, 1934



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[fol. 1] [Caption omitted]

IN SUPREME COURT OF THE DISTRICT OF COLUMBIA

At Law. No. 82547

SAMUEL T. ANSELL, Plaintiff,

vs.

HUEY P. LONG, Defendant

DECLARATION—Filed March 27, 1933

The plaintiff, Samuel T. Ansell, sues the defendant, Huey P. Long, for that, heretofore, on, to wit, the 7th day of [fol. 2] March, A. D. 1933, and for a long time prior thereto the plaintiff was and now is a resident of the District of Columbia, and an attorney at law engaged in the practice of his said profession in the said District and elsewhere, and on the day and year aforesaid and for some time prior thereto the defendant was and now is a United States Senator from the State of Louisiana, and

Whereas, on the day and year aforesaid the plaintiff was and always theretofore had been, and now is, a good, true, lawful and honest citizen and possessed of an unblemished reputation for integrity and character in the conduct of his life as such citizen and in his professional conduct as an attorney at law; and whereas, the plaintiff has held many public offices of the highest trust and responsibility, always acquitting himself therefrom with the greatest credit, to wit,

Upon graduation from the U. S. Military Academy in 1899 plaintiff was commissioned a second lieutenant in the United States Army and served continuously, honorably, and faithfully as a commissioned officer in said Army until, to wit, July 21, 1919, when he resigned to engage in the practice of his profession as an attorney at law, he having been promoted by reason of meritorious and conspicuous service through the various grades from second lieutenant to brigadier general in which latter grade he served in the years 1917, 1918 and 1919 as the Acting Judge Advocate

General of the Army, for which service he was awarded the Distinguished Service Medal by order of the President of the United States "for especially meritorious and conspicuous service as Acting Judge Advocate General of the Army, whose broad and constructive interpretations of law and regulations have greatly facilitated the conduct of the war and military administration"; and during his said military service plaintiff was assigned to and performed to the entire satisfaction of and with commendation from his superior officers the duties of an officer of the line of the Army in active service against the enemy and in garrison, of instructor of law at the United States Military Academy, of prosecuting attorney for the Moro Province in the Philippine Islands, of Law Officer for the Bureau of Insular Affairs, of special attorney before the Federal [fol. 3] courts for the Government of Puerto Rico and the Philippine Islands, and other important offices and

Whereas, the plaintiff now is and always has been a good, true, honest, just, faithful, and law-abiding citizen and has always behaved and conducted himself in his private and public life and in his profession as an attorney at law with honesty, integrity, and credit and in accordance with the highest ethics of his said profession and has never been in any way dishonest, corrupt, fraudulent or unethical nor has he ever been guilty of dishonest, corrupt or fraudulent, collusive, illegal, or unethical conduct in the practice of his said profession or in his private life, nor, until the time of the committing of the said grievances by the said defendant as hereinafter mentioned, had it ever been supposed, suspected, or charged that he, the plaintiff, was in any way dishonest, corrupt, criminal, fraudulent or unethical or was ever guilty of dishonest, corrupt, criminal, fraudulent, collusive, illegal or unethical conduct in the practice of his said profession or in his private life;

Whereby and by reason of the premises, the plaintiff, before the committing by the defendant of the several grievances hereinafter mentioned, had deservedly acquired and enjoyed the good opinion and credit of all of his neighbors, friends, clients and other good and worthy persons to whom he was known personally and by national reputation in respect of his honesty, integrity, credit and professional qualifications, and is now and has been for a long time past a member in good standing of the District of Columbia Bar

Association and an honorary member of other Bar Associations; and

Whereas, on or about the 14th day of January, 1933, plaintiff was appointed counsel for the Special Committee of the United States Senate on Investigation of Presidential and Senatorial Elections, which appointment plaintiff accepted with reluctance and only after repeated and insistent requests of the Chairman of the Committee and the Chairman's friends, and performed his duty throughout the period for which he was retained efficiently and with the utmost fidelity to his profession as an attorney and to his office as counsel for the Committee, and to the frequently expressed satisfaction and praise of the Chairman of the Committee, and in the course of his duties under [fol. 4] such appointment be presented through many reputable witnesses much competent, relevant and credible evidence at hearings of said Committee in the City of New Orleans in the State of Louisiana in the months of January and February, 1933, which plaintiff believed and still believes tended to prove that one John H. Overton, for whom defendant assumed to act as counsel, had been elected a United States Senator from Louisiana fraudulently and unlawfully and as the result of the operation of a political machine organized, operated, and controlled by defendant and that fraud, corruption, force and intimidation were means deliberately chosen and employed by defendant for procuring the election of said Overton, and that said election was the product of systemized lawlessness.

Yet, on the day and year aforesaid, to wit, the 7th day of March, A. D. 1933, the defendant, well knowing the premises but contriving and wickedly and maliciously intending to injure the plaintiff in his good name and reputation as a citizen and as an attorney as aforesaid and to lessen and destroy his said good reputation and to bring him, the plaintiff, into public scandal, infamy and disgrace, and to injure him, the plaintiff, in his good name, fame and credit, and to injure him, the plaintiff, in his good name and reputation in his said profession as aforesaid and to cause it to be suspected and believed by his neighbors, other worthy citizens and members of the legal profession that he, the plaintiff, had been and was dishonest, deceitful, corrupt, fraudulent, and unprofessional and to cause it to be suspected and believed by them that he, the plaintiff, was and had been

guilty of dishonest, corrupt, fraudulent, deceitful, collusive, illegal and unprofessional conduct in the practice of his said profession and in his private life, and to vex, harass, oppress, impoverish and wholly ruin the plaintiff, the said defendant at the time aforesaid in the City of Washington in the District of Columbia, falsely, wickedly and maliciously composed and published and caused and procured to be composed and published of and concerning the plaintiff as a citizen and of and concerning the conduct of the plaintiff in his said profession, a false, scandalous, malicious libel purporting to be a reprint of a portion of the Congressional Record, Seventy-Second Congress, Second Session, at the top of the first page of which appeared the statement "Not printed at government expense", which said [fol. 5] libelous publication was headed "Louisiana's Defense" immediately beneath which appeared the further heading "Speech of Hon. Huey P. Long of Louisana in the Senate of the United States Tuesday, February 21, 1933", which libelous printed matter defendant sent and caused to be sent through the mail and otherwise distributed in great numbers severally to, and was received and read by, many persons in the State of Louisiana, the District of Columbia, and in many other parts of the country, and which said libelous matter contained, among other things, false, scandalous, malicious, defamatory, and libelous matter of and concerning the plaintiff, that is to say, throughout the body of said publication purporting to be the print of a speech of defendant in the Senate as aforesaid, appeared subheads, displayed in capital type, of and concerning plaintiff, as follows:

"Rescued by a Burglar" ("Rescued" meaning the assistance rendered by plaintiff to said Committee, and "Burglar" meaning plaintiff);

"Dog Son of a Wolf" (meaning plaintiff);

"Defense for Senator Howell" (meaning to impute to plaintiff- conduct as counsel was such as to demand a defense for his employment);

"Senator Howell Expresses Regret" (meaning "regret" for the employment of plaintiff);

"Supreme Court Ruling Defied" (meaning that counsel, and committee under his advice, defied rulings of the Supreme Court and acted lawlessly);

"Unfounded Perjury" (meaning that counsel resorted to perjury and presented perjured testimony);

"Senator Howell's Mistake" ("mistake" referring to employment of plaintiff as counsel and imputing to him professional incompetence);

"Outside Questions" (meaning that counsel ignored the subject under inquiry and resorted to extraneous matters);

"No Proof of Fraud Developed" (meaning that plaintiff caused the Committee to ignore the subject under investigation for irrelevant matters);

"No Corruption Even Mentioned" (meaning that plaintiff ignored the subject under investigation and resorted to extraneous matters);

[fol. 6] "Justice for a State" (meaning that plaintiff departed from his duty as counsel and attacked the people and State of Louisiana),

and which said libelous publication contained, amongst other things, in the body thereof, of and concerning plaintiff, the following further false, scandalous, malicious and libelous matter:

"He (meaning the plaintiff) was the gentleman who practically forged his own appointment as Judge Advocate General (meaning Judge Advocate General, United States Army)."

* * * * * * *

"I want to give the Senate, before I go a little further into the conduct of this scoundrel (meaning the plaintiff), the advisor of the chairman, the select counsel of the chairman, picked by the chairman, condemned by the Government (meaning the government of the United States) as a thief and a scoundrel and a crook—"

* * * * * * *

"After he (meaning the plaintiff) had been practically run out of the Army for fraud, when Judge William H. Taft (meaning the late William Howard Taft, Chief Justice of the Supreme Court of the United States) saw a charge made against the administration of Newton D. Baker (meaning former Secretary of War Newton D. Baker) in the Democratic administration, Judge Taft, who had been Secretary of War, thinking it was his duty to do so as a good citizen, in the interest of this country (meaning the

United States), gave information to show that the scoundrel (meaning the plaintiff) was a infamous liar; * * *"

* * * * * * *

"In the midst of it (meaning a certain financial crisis in the city of New Orleans, Louisiana) was this gentleman by the name of Ansell (meaning the plaintiff), whom I can never describe except as Victor Hugo described some individuals. Hugo said, there is an animal for every human; there is not a human that you can not look at long eonugh, if you know animal life, without finding his counterpart among the animal kingdom. There is an old fable, Hugo says, that with the birth of every litter of wolves there is [fol. 7] one dog born, and the mother immediately devours the dog that is born with the litter of wolves for fear that he will be vicious enough to eat up the balance of the litter—the dog son of a wolf. Put the face on Ansell (meaning the plaintiff) and you have got the dog son of a wolf."

* * * * * * *

"And for a committee (meaning the Special Committee of the Senate hereinbefore referred to) to have allowed this man Ansell (meaning the plaintiff) to call brothers of a man who was not a party to the contest, who was not a candidate for office, to have allowed this scoundrel (meaning the plaintiff), condemned for every phase of crime that Congress could find in the career of a living human being, to have permitted him to call the brothers of a man to testify to irrelevant matters against a man not connected with the case in order that they might have the privilege under the law that what they said could be published without there being a remedy for anyone—I want to say that that was much more low down, and that the day of the cutthroat had come into its own when Ansell (meaning the plaintiff) was in charge of the matter (meaning the hearings of the Special Committee hereinbefore referred to)."

* * * * * * *

"He (meaning the plaintiff) had misrepresented facts, and, as a result, he got a commission (meaning a commission as brigadier general, United States Army) from the Chief of Staff (meaning the Chief of Staff, United States Army)."

* * * * * * *

"No, sir; I do not claim any privilege from this scoundrel (meaning the plaintiff) anywhere on earth under God's living sun."

* * * * * * *

"Anywhere on earth. That is, however, I invite him (meaning the plaintiff) to sue me in any court of competent jurisdiction, and I will not defend the suit except on the ground that he (meaning the plaintiff) is a scoundrel and a thief and a rascal and a crook and has been determined to be such by an investigating committee of Congress."

* * * * * * *

[fol. 8] "I think he (meaning the plaintiff) is one of the lowest scoundrels that has ever been allowed the immunity of law, and I have the authority of Congress to back me up in that statement."

* * * * * * *

Second Count. And the said plaintiff, Samuel T. Ansell, adopting by reference for this the second count of this declaration the averments hereinbefore made of his good character and conduct as a citizen and as an attorney at law, of the consequences thereupon of the said several grievances of the defendant mentioned, of his appointment and the performance of his duties as counsel for the Special Committee of the United States Senate investigating the election of one John H. Overton as a United States Senator from the State of Louisiana, and all other preliminary averments hereinbefore made, further saith, that the said Huey P. Long, well knowing the premises as aforesaid, and contriving and intending as aforesaid, heretofore, to wit, on the 7th day of March, 1933, in the City of Washington, District of Columbia, falsely, wickedly, maliciously made and published and caused to be made and published, of and concerning plaintiff, a false, scandalous, malicious and defamatory libel, to wit, a purported reprint of a portion of the Congressional Record, Seventy-Second Congress, second session, at the top of the first page of which appeared the statement "Not printed at government expense" which said libelous publication was headed "Louisiana's Defense, Speech of Hon. Huey P. Long in the Senate

of the United States Tuesday February 21, 1933" which said false, scandalous, malicious and defamatory printed matter defendant sent or caused to be sent in great numbers severally to, and was received and read by many persons in the State of Louisiana, the District of Columbia, and other parts of the country through the mails under his official frank inclosed within a letter dated Washington, D. C., March 7, 1933, addressed to "Dear Friend" and subscribed "Your friend, Huey P. Long, U. S. Senator" written and caused to be written and signed and caused to be signed by the defendant and with his name and in which the defendant invited the attention of the addressee to, and expressed the hope that the addressee would read, and [fol. 9] various persons in the State of Louisiana, the District of Columbia, and elsewhere did read, the said letter and the said "speech" purporting to be the print of a speech by the defendant in the Senate of the United States of and concerning the plaintiff as aforesaid, which said false, scandalous, malicious, and defamatory document contained, among other things, false, scandalous, malicious and defamatory sub-heads displayed in capital type, of and concerning plaintiff, as follows:

"Rescued by a Burglar" ("rescued" meaning the assistance rendered by plaintiff to said Committee, and "Burglar" meaning plaintiff);

"Dog Son of a Wolf" (meaning plaintiff);

"Defense for Senator Howell" (meaning to impute to plaintiff- conduct as counsel was such as to demand a defense for his employment);

"Senator Howell Expresses Regret" (meaning "regret" for the employment of plaintiff);

"Supreme Court Ruling Defied" (meaning that counsel, and committee under his advice, defied rulings of the Supreme Court and acted lawlessly);

"Unfounded Perjury" (meaning that counsel resorted to perjury and presented perjured testimony);

"Senator Howell's Mistake" ("mistake" referring to employment of plaintiff as counsel and imputing to him professional incompetence);

"Outside Questions" (meaning that counsel ignored the subject under inquiry and resorted to extraneous matters);

"No Proof of Fraud Developed" (meaning that plaintiff

caused the Committee to ignore the subject under investigation for irrelevant matters);

"No Corruption Even Mentioned" (meaning that plaintiff ignored the subject under investigation and resorted to extraneous matters);

"Justice for a State" (meaning that plaintiff departed from his duty as counsel and attacked the people and State of Louisiana),

and which said false, scandalous, malicious and defamatory document contained in the body thereof, of and concerning plaintiff, the following further false, scandalous, malicious and defamatory matter:

[fol.10] "He (meaning the plaintiff) was the gentleman who practically forged his own appointment as Judge Advocate General (meaning Judge Advocate General, United States Army)."

* * * * * * *

"I want to give the Senate, before I go a little further into the conduct of this scoundrel (meaning the plaintiff), the advisor of the chairman, the select counsel of the chairman, picked by the chairman, condemned by the Government (meaning the government of the United States) as a thief and a scoundrel and a crook—"

* * * * * * *

"After he (meaning the plaintiff) had been practically run out of the Army for fraud, when Judge William H. Taft (meaning the late William Howard Taft, Chief Justice of the Supreme Court of the United States) saw a charge made against the administration of Newton D. Baker (meaning former Secretary of War Newton D. Baker) in the Democratic administration, Judge Taft, who had been Secretary of War, thinking it was his duty to do so as a good citizen, in the interest of this country (meaning the United States), gave information to show that the scoundrel (meaning the plaintiff) was an infamous liar; * * *"

* * * * * * *

"In the midst of it (meaning a certain financial crisis in the city of New Orleans, Louisiana) was this gentleman

by the name of Ansell (meaning the plaintiff, whom I can never describe except as Victor Hugo described some individuals. Hugo said, there is an animal for every human; there is not a human that you can not look at long enough, if you know animal life, without finding his counterpart among the animal kingdom. There is an old fable, Hugo says, that with the birth of every litter of wolves there is one dog born, and the mother immediately devours the dog that is born with the litter of wolves for fear that he will be vicious enough to eat up the balance of the litter—the dog son of a wolf. Put the face on Ansell (meaning the plaintiff) and you have got the dog son of a wolf."

* * * * * * *

[fol. 11] "And for a committee (meaning the Special Committee of the Senate hereinbefore referred to) to have allowed this man Ansell (meaning the plaintiff) to call brothers of a man who was not a party to the contest, who was not a candidate for office, to have allowed this scoundrel (meaning the plaintiff), condemned for every phase of crime that Congress could find in the career of a living human being, to have permitted him to call the brothers of a man to testify to irrelevant matters against a man not connected with the case in order that they might have the privilege under the law that what they said could be published without there being a remedy for anyone—I want to say that that was much more low down, and that the day of the cutthroat had come into its own when Ansell (meaning the plaintiff) was in charge of the matter (meaning the hearings of the Special Committee hereinbefore referred to),"

* * * * * * *

"He (meaning the plaintiff) had misrepresented facts, and, as a result, he got a commission (meaning a commission as a brigadier general, United States Army) from the Chief of Staff (meaning the Chief of Staff, United States Army)."

* * * * * * *

"No, sir; I do not claim any privilege from this scoundrel (meaning the plaintiff) anywhere on earth under God's living sun."

* * * * * * *

"Anywhere on earth. That is, however, I invite him (meaning the plaintiff) to sue me in any court of competent jurisdiction, and I will not defend the suit except on the ground that he (meaning the plaintiff) is a scoundrel and a thief and a rascal and a crook and has been determined to be such by an investigating committee of Congress."

* * * * * * *

"I think he (meaning the plaintiff) is one of the lowest scoundrels that has ever been allowed the immunity of the law, and I have the authority of Congress to back me up in that statement."

* * * * * * *

[fol. 12] Third Count. And the said plaintiff, Samuel T. Ansell, adopting by reference for this the third count of this declaration the averments hereinbefore made of his good character and conduct as a citizen and as an attorney at law, of the consequences thereupon of the said several grievances of the defendant mentioned, of his appointment and the performance of his duties as counsel for the Special Committee of the United States Senate investigating the election of one John H. Overton, as a United States Senator from the State of Louisiana, and all other preliminary averments hereinbefore made, further saith, that the said Huey P. Long, well knowing the premises as aforesaid, heretofore, to wit, on the 7th day of March, 1933, in the City of Washington, District of Columbia, falsely, wickedly, and maliciously, composed and published and caused to be composed and published, of and concerning plaintiff, a false, scandalous, malicious and defamatory libel, that is to say, defendant composed and caused to be composed certain display headings of and concerning plaintiff and inserted them in and added them to and caused them to be inserted in and added to the body of the transcript of a speech of the said defendant made in the Senate of the United States on Tuesday, the 21st day of February, 1933, of and concerning plaintiff, and printed and caused to be printed at his own expense and in great numbers the said speech with said headings appearing and displayed therein throughout the body of the printed speech, and mailed and distributed and caused to be mailed and distributed to great numbers of

persons in the State of Louisiana, the District of Columbia, and elsewhere throughout the country great numbers of said printed speech containing displayed therein the false, scandalous, and libelous headings, and various of said persons in Louisiana, the District of Columbia, and elsewhere, so receiving them, read said headings in said speech, as follows:

"Rescued by a Burglar" ("Rescued" meaning the assistance rendered by plaintiff to said Committee, and "burglar" meaning plaintiff);

"Dog Son of a Wolf" (meaning plaintiff);

"Defense for Senator Howell" (meaning to impute to plaintiff conduct as counsel was such as to demand a defense for his employment);

[fol. 13] "Senator Howell Expresses Regret" (meaning "regret" for the employment of plaintiff);

"Supreme Court Ruling Defied" (meaning that counsel, and committee under his advice, defied rulings of the Supreme Court and acted lawlessly);

"Unfounded Perjury" (meaning that counsel resorted to perjury and presented perjured testimony);

"Senator Howell's Mistake" ("mistake" referring to employment of plaintiff as counsel and imputing to him professional incompetence);

"Outside Questions" (meaning that counsel ignored the subject under inquiry and resorted to extraneous matters);

"No Proof of Fraud Developed" (meaning that plaintiff caused the Committee to ignore the subject under investigation for irrelevant matters);

"No Corruption Even Mentioned" (meaning that plaintiff ignored the subject under investigation and resorted to extraneous matters);

"Justice for a State" (meaning that plaintiff departed from his duty as counsel and attacked the people and State of Louisiana).

Fourth Count. And the said plaintiff, Samuel T. Ansell, adopting by reference for this the fourth count of this declaration the averments hereinbefore made of his good reputation and conduct as a citizen and as an attorney at law and of his appointment and the performance of his duties thereunder as counsel for the Special Committee of the United States Senate investigating the election of one John H. Overton, as a United States Senator from the

State of Louisiana, and the other preliminary averments hereinbefore made, further saith that the said Huey P. Long, well knowing the premises as aforesaid, and contriving and intending as aforesaid, did heretofore, to wit, on the 17th day of February, A. D. 1933, at the city of New Orleans, in the State of Louisiana, falsely, wickedly, and maliciously compose and publish and cause to be composed and published a certain other false, scandalous, malicious and defamatory libel, to wit, a circular or placard, of and concerning the plaintiff, counsel for said Senate Committee, which said circular or placard the said defendant on and after the said 17th day of February, A. D. 1933, printed [fol. 14] and caused to be printed in great numbers and widely distributed and circulated and caused to be widely distributed and circulated in the State of Louisiana, the District of Columbia, and elsewhere throughout the country, and various persons in Louisiana, the District of Columbia, and elsewhere, received and read said circulars or placards, which said libelous circular or placard follows in this count set out in haec verba, in which wherever they appear therein, the words "Kangaroo court" mean a pretended court consisting of impostors who by force and fraud set themselves up in the guise of a court without authority of law and proceed to do their will in defiance of law, and in said circular refer to the said Senate Special Committee and to plaintiff as its counsel; the words "Kangaroo proceeding" mean the lawless proceedings of such judicial imposters and in said circular refer to the hearings conducted by said Senate Special Committee, with plaintiff as its counsel presenting the evidence, in New Orleans, Louisiana, in the investigation of the election of one John H. Overton, as a United States Senator from the State of Louisiana; the name "Ansell' means the plaintiff; the name "Howell" means the late Robert B. Howell, then and there a Senator of the United States from the State of Nebraska and chairman of said committee; the names "Pinchback" and "Kellogg" mean certain notorious political personages connected with the Reconstruction government in the State of Louisiana in the years immediately following the War between the States, which government as maintained in Louisiana and throughout the South was and is commonly known as the "carpet bag" government, which government and those

connected with it were generally, and to a great extent still are, regarded in Louisiana, throughout the South, and elsewhere, as disgraceful, contemptible, dishonest and corrupt; and the word "scallawag" means one of the class of white men of Louisiana and the South who supported said "carpet bag" government and who then and there generally were, and to some extent they and their descendants still are regarded by their fellows citizens in Louisiana, the South and to some extent elsewhere with scorn, hatred and contempt, to wit:

[fol. 15] "The Kangaroo Court

Trying to Take Louisiana Back to the Days of Kellogg, Pinchback, and the Scallawag

To the People of Louisiana:

The kangaroo court being conducted in this state by the Republican Senator Howell of Nebraska (formerly a close associate and defender of Walter Cohen), was supposed to investigate the election in September when Overton beat Broussard. But after spending ten or twelve days trying to develop something wrong with that election (which they could not do), the whole farce has now turned about 99% to letting the old skin game political gang of Louisiana take the witness stand so that they can again tell the same old lies about Huey P. Long that they have been telling for as long as the past seven or eight years.

Who has not heard the lies of Francis Williams until they would not believe him on oath? He recently lost out as chairman of the Public Service Commission, after being defeated for Mayor of New Orleans. Who did not hear the tales of Earl and Julius Long on their brother in the last campaign, and how many people believed them? Who did not read the constant stream of lies from H. B. Bozeman who had been thrown out of office and beaten twice in elections?

"Instead of Howell and Ansell trying to investigate the real question of whether Overton committed any kind of fraud to beat Broussard last September, they offer not one line of evidence about that at all. But they do call these characters that this state has been disgusted with for years, to have them repeat the same old tales and others of the kind that they have been telling the people for years.

"When these kind of tales have been told to the people and these scoundrels have lost out after telling them, that ought to have been enough to have convinced any honest man that these persons were unworthy of belief under oath. But this is the only kind of stuff there is available for Mr. Howell or his hardboiled court martial assistant, Mr. Ansell.

Howell and Ansell have already spent $25,000 of the people's money collecting up this set of tales from these scoundrels, when they could have had them for nothing. [fol. 16] All they would have had to do would have been to go to newspapers with a pair of scissors and have clipped two thousand columns of lies from these same persons and they would not have been out over 25¢ to do it. But now Brother Howell wants $25,000 more of the people's money to spend like he did the last $25,000.

It is the law of every civilized place on earth (except before Howell and Ansell) that testimony must be relevant and pertinent to the case on trial. Hearsay evidence (that is, what someone told somebody or thought) is never allowed. But Mr. Howell and Mr. Ansell have actually openly stated that they cannot carry on the proceedings with either pertinent evidence or competent evidence and that therefore so as to keep from having to close up shop, they must proceed by hearsay and irrelevant routes. They have done this so that these public liars can swear a day at a time and then when asked "Did you see that?" they answer, "No." When they are asked: "Do you know of anything wrong yourself?" they say, "No." Then when some of these scallawags are shown public documents to prove that ever their hearsay and immaterial evidence is a lie, Brother Howell frequently jumps to the relief by saying: "The witness does not know anything himself, so we rule the question out of order."

And such is the kind of a kangaroo game in Louisiana today brought here by Edwin S. Broussard, John M. Parker and the set of so-called anti-Long forces. They went to Washington to get this thing to come here to try to wash out their situation but not to try the election case. And this is not the first time this has been done. The last time was in the carpetbag days when Kellogg and Pinchback and other scallawags sent to Washington and brought back just such a kangaroo setting. They came here then for Kellogg and Pinchback and ignored law and everything

else. They were trying to break up the white primary if they could do it, and they had to go to Washington to start. The kangaroo court scenes of the Kellogg and Pinchback days are not a circumstance to what Howell and Ansell have been doing here in Louisiana for two weeks. This they do to try to accommodate John M. Parker, Edwin S. Broussard and others who say that they are so little respected in Louisiana that they cannot win an election.

[fol. 17] "But the Overton-Broussard election is hardly mentioned by the kangaroo court. They begin with 1918 and go back to 1900 and then back up to 1930, trying to find out what the 'silly' people of Louisiana meant in ever electing Huey P. Long to anything. This anti-Long set patter up Brother Howell, playing on his former political love for Walter Cohen and his admiration for Kellogg and Pinchback, (making him think he is doing the Republican party some good), and by that they have pushed him into letting go into the records not only things that have nothing to do with the case, but even hearsay testimony setting up the old pack of falsehoods that the people have heard for years and rebuked the ones making them.

I find that I cannot take up more of my time in this kangaroo proceedings. I must return to Washington, but my friends will act as attorneys for Mr. Overton wherever this kangaroo pilgrimage may alight. No one need be a bit afraid of this; they can do our good friends no harm. Our enemies are merely trying out another election and John M. Parker, who began by professing his love to Cohen, Pinchback, Kellogg and others of that type, now patters along with Howell for the same purpose.

Yours sincerely, Huey P. Long.

P. S.—When you have read this, please pass it along to some one else so as to refute lying newspapers. Employees of private concerns and the state have a right to hand out these circulars, not during their work hours. Do not fear to do so if you wish.

Huey P. Long."

which said circular or placard in the form as composed, printed, published, distributed and circulated in great numbers is annexed hereto as Exhibit "A".

And whereas the said malicious, wicked, false, and scandalous matters were wickedly, falsely and maliciously composed and published by the defendant, of and concerning plaintiff as a citizen, as an attorney at law, and as counsel for said Senate Special Committee who was and always has been an upright, law-abiding, and truthful citizen and has at all times scrupulously observed and maintained the highest standards in the practice of his pro-
[fol. 18] fession as an attorney at law, who faithfully and efficiently performed his duties as counsel for said Committee and whereas the said libelous matter so maliciously, wickedly, and falsely composed and published and so caused to be composed and published by the said defendant have greatly and permanently injured plaintiff in his said good name and fame as a citizen and as an attorney at law, and whereas the said defendant, well knowing the premises, maliciously, wickedly, with ulterior motives, and contriving and intending so to do, by means of the false, wicked and slanderous libels as aforesaid, has injured the plaintiff in his good name and fame as a citizen and as an attorney at law, and, as the defendant has been actuated by malice toward plaintiff in the committing of the grievances aforesaid, plaintiff is entitled to punitive as well as compensatory damages; and the said plaintiff has been damaged thereby in the sum of $250,000 compensatory damages and claims $250,000 as punitive damages, or a total of $500,000.

Wherefore plaintiff brings this suit and claims of the defendant the sum of $500,000, besides his costs.

Burr Tracy Ansell, George M. Wilmeth, Attorneys for Plaintiff.

Summons

Issued March 27, 1933. Frank E. Cunningham, Clerk

In Supreme Court of the District of Columbia

[Title omitted]

Summons

The President of the United States to the Defendant, Huey P. Long, Greeting:

You are hereby Summoned to appear in this Court on or before the twentieth day, exclusive of Sundays and legal
[fol. 19] holidays, after the day of service of this Writ

upon you, to answer the Plaintiff's Suit, and show why he should not have judgment against you for the cause of action stated in his declaration; and in case of your failure so to appear and answer, judgment will be given against you by default.

Witness, the Honorable Alfred A. Wheat, Chief Justice of said Court, the 27th day of March, A. D. 1933.

Frank E. Cunningham, Clerk, by Alf. G. Buhrman, Assistant Clerk. (Seal.) B. T. Ansell, G. M. Wilmeth, Attorney-.

Marshal's Return

Served copies of the declaration, affidavit, and this summons, on the Defendant, Huey P. Long, within named Personally 4-3-33.

Edgar C. Snyder, U. S. Marshal in and for the District of Columbia, by Harry C. Allen, Deputy U. S. Marshal. K.

In Supreme Court of District of Columbia

Motion to Quash Summons and Service—Filed April 25, 1933

* * * * * * *

Comes now the defendant herein, Huey P. Long, by Joseph E. Davies, Raymond N. Beebe, and Adrien F. Busick, his attorneys, and appearing specially for the purpose of this motion and for no other purpose whatever moves the court to quash the summons issued in this case and the service thereof on the following ground:

(1) The summons was issued on Monday, March 27, 1933, and served on the defendant on Monday, April 3, 1933, whereas the first session of the Seventy-Third Con- [fol. 20] gress was convened on the ninth day of March, 1933, and has remained continuously in session since that date and was in session on the dates of the issuance and service of the said summons (of which fact defendant prays the court to take judicial notice) and the defendant as alleged is a United States Senator who was in ettendance upon the meetings of the first session of the Seventy-

Third Congress of the United States and the summons and service thereof is invalid and of no legal effect whatsoever because in violation of Article 1, Section 6, Clause 1, of the Constitution of the United States, which provides that Senators and Representatives of the United States "shall in all cases except treason, felony and breach of the peace be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same."

Joseph E. Davies, Raymond N. Beebe, Adrien F. Busick, Attorneys for Defendant, Appearing Specially for the Purpose of This Motion and for no Other Purpose.

Service of a copy of the above motion is acknowledged this 25th day of April, 1933.

B. Tracy Ansell, by Anne P. Baron, Attorneys for Plaintiff.

In Supreme Court of the District of Columbia

Order Denying Motion to Quash—May 9, 1933

* * * * * * *

Upon consideration of the motion filed herein, to quash summons and service, it is ordered that said motion be, and the same is hereby denied.

Further, for good cause shown it is this day ordered that further proceedings in this cause be stayed for a period of twenty days hereof pending application to the Court of Appeals of this district for a special appeal.

[fol. 21] In Court of Appeals of the District of Columbia, April Term, 1933

No. 2127, Original. 82547, Law

Huey P. Long, Petitioner,

vs.

Samuel T. Ansell

Order Allowing Special Appeal—Filed June 14, 1933

On consideration of the petition for the allowance of a special appeal from the order of the Supreme Court of the

District of Columbia entered in the above entitled cause on the 9th day of May, 1933,

It is by the Court this day ordered that a special appeal be and it is hereby allowed as prayed.

Per Mr. Chief Justice Martin.

June 10, 1933.

A true copy. Test:

Henry W. Hodges, Clerk Court of Appeals, D. C.
(Seal.)

IN SUPREME COURT OF DISTRICT OF COLUMBIA

ASSIGNMENT OF ERRORS—Filed June 17, 1933

* * * * * * *

The Court erred:

(1) In denying the motion of the defendant to quash the service of process and summons; by its order entered May 9, 1933.

(2) In refusing to grant the defendant's motion to quash service of process and summons.

Joseph E. Davies, Raymond N. Beebe, Adrien F. Busick, Attorneys for Defendant.

[fols. 22 & 23] Service of a copy of the foregoing assignment of errors acknowledged this 16th day of June, 1933.

Burr Tracy Ansell, by Anne P. Baron, Sec'y.

IN SUPREME COURT OF DISTRICT OF COLUMBIA

DESIGNATION OF RECORD—Filed June 17, 1933

* * * * * * *

The clerk will please include the following in the record of this cause on special appeal:

(1) The declaration filed March 27, 1933.
(2) Summons and return of service thereon.
(3) Motion to quash summons and service, filed April 25, 1933.

Memo.: Motion to quash summons and service denied. Further proceedings stayed twenty days pending application for special appeal, May 9, 1933.

(4) Order of Court of Appeals dated June 10, 1933 allowing special appeal, filed June 14, 1933.

(5) Assignment of error filed June 17th, 1933.

(6) This designation of record filed June 17th, 1933.

Joseph E. Davies, Raymond N. Beebe, Adrien F. Busick, Attorneys for Defendant.

Service of copy of the foregoing designation of record acknowledged this 16th day of June, 1933.

Burr Tracy Ansell, by Anne P. Baron, Attorneys for Plaintiff.

Clerk's Certificate to foregoing transcript omitted in printing.

[fol. 24] Tuesday, October 3rd, A. D. 1933.

* * * * * * *

No. 6008

HUEY P. LONG, Appellant,

vs.

SAMUEL T. ANSELL

The above entitled cause was argued by Mr. Seth W. Richardson, attorney for appellant, and was submitted to the consideration of the Court on the record and appellee's brief by Mr. Burr Tracy Ansell, attorney for the appellee.

[fol. 25] IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

No. 6008

HUEY P. LONG, Appellant,

vs.

SAMUEL T. ANSELL

Appeal from the Supreme Court of the District of Columbia

Joseph E. Davies, Adrien F. Busick, and S. W. Richardson, of Washington, D. C., attorneys for appellant.

Burr Tracy Ansell, of Washington, D. C., attorney for appellee.

(Argued October 3, 1933. Decided February 5, 1934)

Before Martin, Chief Justice; Robb, Van Orsdel, Hitz, and Groner, Associate Justices

VAN ORSDEL, Associate Justice:

This case comes here by special appeal from an order of the court below denying defendant's motion to quash the summons and service issued upon a petition filed by respondent, plaintiff below, charging the defendant with publishing a false and malicious libel.

The publication, it is alleged, purported to be a report of a speech made by the defendant on the floor of the Senate of the United States. It is alleged that the speech itself contained libelous and defamatory statements; and that the defendant caused copies of the Congressional Record containing the speech to be printed and mailed to persons in Louisiana, the District of Columbia, and elsewhere. Accompanying the speech was a letter inviting the recipient to read the printed document.

It is unnecessary for us to consider the contents of the published circular that it is alleged was circulated by the defendant. It is sufficient to say that if the allegations of the petition are supported by sufficient evidence, the matter charged constitutes libel per se. The issue here presented is whether or not a Senator of the United States, while serving in his official capacity, is exempt from service of civil process in the District of Columbia.

Section 6, Article 1 of the Constitution provides as follows: "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the [fol. 26] peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place." Similar language is found in the constitutions of the several States, and some confusion has arisen among the courts in construing and interpreting these provisions. In some instances it is held that the word "arrest" refers to arrest in certain classes of criminal cases. In other instances it is held that the word "arrest" should be confined to physical arrest in civil cases; and in still other cases it has been held that the word "arrest" has general significance and applies even to the service of civil process.

In the case of Merrick & Durant vs. Giddings, 1 McArthur & Mackey's Reports 55, decided in 1879 by the Supreme Court of the District of Columbia, Mr. Justice Wylie, in an able opinion, reviewed at great length the decisions of the early English courts on the subject of the exemption of members of Parliament from arrest, either in criminal proceedings or by service of civil process. Originally the exemption was extended in some cases even to the prevention of the

service of summons upon servants and employees of a member of Parliament, on the theory that it might interfere with the service to be rendered by the employee to the member. The extent, however, to which these cases generally held is stated by Lord Chief Justice Denman in Stockdale vs. Hansard, 7 C. & P. 737, in which the chief justice said: "The proceedings of Parliament would be liable to continual interruption, at the pleasure of individuals, if everyone who claimed to be a creditor could restrain the liberty of the members. In early times their very horses and servants might require protection from seizure, under legal process, as necessary to secure their own attendance; but when the privilege was strained to the intolerable length of preventing the service of legal process, or the process of a cause once commenced against any member, or of threatening any who should commit the smallest trespass upon a member's land, though in the assertion of a clear right, as breaches of the privilege of Parliament—these monstrous abuses might have called for the interference of the law, and compelled the courts of justice to take a part."

These early decisions of the English courts, however, were greatly modified or set aside by an act of Parliament, 10th George 111, chapter 50, which declared: "Sec. 1. Any person may at any time, commence and prosecute any action or suit in any court of record, or court of equity, or by admirality, and in all causes matrimonial and testamentary, against any peer or lord of Parliament of Great Britain, or against any of the knights, citizens, or burgesses, etc., for the time being, or against any of their menial or any other servants, or any other persons entitled to the privilege of Parliament; no such action, suit, or other process or proceeding thereupon, shall at any time be impeached, stayed, or delayed by or under any color, or pretense of any privilege of Parliament.

"Sec. 2. But nothing in this act shall extend to subject the person of any of the knights, citizens, and burgesses, members of the House of Commons for the time being, to be arrested or imprisoned upon any such suit or proceeding." [fol. 27] This act was passed seventeen years before the drafting of our Constitution, and as said in the Merrick case, "Our Constitution was signed in 1787, and was framed by men who could not have been ignorant of that act of Parlia-

ment. It is impossible to believe that they intended that the Members of the Congress of the United States should have a greater extent of privilege in this matter, than belonged at that time to the peers of Great Britain. It is well known that the current of public sentiment in this country was altogether in the opposite direction at that period of our history. From that day to the present, neither the Senate nor the House of Representatives has ever asserted such a claim in behalf of its Members."

Mr. Justice Wylie, in his opinion in the Merrick case, holding that the constitutional exemption did not extend to the mere service of civil process, reviewed many of the early State cases in this country, in some of which it was held that the constitutional exemption from arrest extended to the service of civil process. This court, however, in the later case of Howard vs. Trust Company, 12 App. D. C. 222, rested its decision upon the soundness of the opinion in the Merrick case as announcing the law of this jurisdiction.

These decisions are in accord with the holding in the case of Williamson vs. The United States, 207 U. S. 425. In that case the court was considering the application of the exemption to a criminal case. Williamson, a Member of Congress, had been convicted and sentenced in a criminal action for violation of the public land laws. The court, in a most elaborate opinion by Mr. Justice White, reviewed at great length the law on this subject as existing both in England and this country, and reached the conclusion that the language of the constitutional exemption "breach of the peace" referred broadly to all indictable criminal actions, and that the constitutional exemption would not apply to a Member of Congress arrested for an indictable offense. Its application was limited by the court to arrests in aid of civil process.

The constitutional exemption has never been interpreted as a retreat for Congressmen and Senators from arrest for crime. At the time of the adoption of the Constitution there were laws in the States authorizing imprisonment for debt in aid of civil process. Undoubtedly it was to meet this condition that the exemptions in Federal and State Constitutions were aimed. The reason for incorporating this provision in the Constitution has largely disappeared. We no longer have imprisonment for debt, except in a few jurisdictions where an absconding debtor may be arrested and im-

prisoned. The decisions of the courts, therefore, in limiting the exemption merely to arrests in aid of civil process, and in conformity with the practice of legislation on this subject, have greatly limited the scope of the exemption. That which at the time of the adoption of the Constitution was of substantial benefit to a Member of Congress has been reduced almost to a nullity.

This brings us to the consideration of the distinction between "arrest" and the mere service of civil process. It has generally been held that an arrest is synonymous with the actual detention of the person or party arrested and does not mean merely the service of a summons or citation. Huntington vs. Shultz, 16 S. C. L. 452, 18 Am. Dec. 660; and as said in Hart vs. Flynn, 8 Dana (Ky.), 190, 191. "Arrest signifies [fol. 28] a restraint of the person, a restriction of the right of locomotion, which cannot be implied in the mere notification or summons of petition or any other service of such process by which any bail is required, nor restraint of personal liberty."

Thus it appears that the word "arrest" has a well-defined meaning. There must be some detention of the person to constitute arrest. This of course would mean any arrest made or detention in a criminal proceeding, or an arrest in a civil case in execution of the command of some court or officer of justice. Legrand vs. Bedinger, 4 T. B. Monroe (Ky.) 539-540; or as said in Baltimore, R. Co. vs. Strube, 111 Md. 119, 127; "An arrest is the seizure of a person and detaining him in the custody of the law." From these authorities it may be concluded, we think, that the term arrest may be applied to any case where a person is taken into custody or restrained of his full liberty, or where the detention of a person in custody is continued for even a short preiod of time. People vs. Erlanger, 132 Fed. 883.

This distinction between "arrest" as used in the Constitution and the mere service of civil process is sustained by many leading State cases. In Worth vs. Norton, 56 South Carolina 56, involving the application of the exemption to service of civil process, the court said: "It cannot for a moment be supposed that the framers of the Constitution were ignorant of the wide difference between arresting the person of a debtor and simply serving him with a summons to answer to a civil action which is broadly nothing more than a mere notice. It would, therefore, be wholly unwar-

ranted for a court to put such a construction upon the language found in the constitution as would make the exception conferred apply to two such very different things." To the same effect are Rhodes vs. Walsh, 55 Minn. 542; Gentry vs. Griffith, 27 Tex. 461.

Nor is there any merit in the contention that defendant is exempt from service of summons because his presence in the District of Columbia is made necessary in the performance of his official duties. The exemption of suitors and witnesses from service of summons, brought here from a foreign jurisdiction in response to legal process, has no application in the present case. The law which protects suitors and witnesses from the service of legal process grew out of the necessity of the courts themselves to protect the administration of justice from the interference which would necessarily follow if they should be subject to arrest and service of legal process. This privilege has never been extended to Members of Congress while here in the performance of their official duties, and it cannot reasonably be implied from the rule as to suitors and witnesses.

Thus it appears that there is nothing in the present case which could be distorted into a legal arrest or could be brought within the immunity afforded in the Constitution to Members of Congress. It would be an extraordinary situation if Members of Congress, while in Washington, in their official capacity, could incur common indebtedness, such as store bills, hotel bills, etc., and be entirely immune from service of civil process for the enforcement of such claims. This we have held in a number of cases is not the law and we can perceive no distinction between the service of civil process in a case of that kind and the one which is under consideration in this case.

[fol. 29] A Senator of the United States is here charged with publishing in the District of Columbia and circulating here and throughout the country, libelous and defamatory articles, alleged to be a reprint of a speech made on the floor of the Senate. The charge here is not for slander resulting from a speech made on the floor of the Senate, but for libel in publishing and distributing a copy of that speech, together with a letter calling special attention to the article.

Defendant pitches his defense upon the exemption from arrest, and not upon his exemption from responsibility for statements made in his speech on the floor of the Senate. But were that claim advanced, it would be without force, since the acts charged have only remote connection with the speech. While the published articles were in part reproductions of the speech, the offense consists not in what was said in the Senate, but in the publication and circularizing of the libelous documents.

The order denying the motion to quash is affirmed with costs.

A true copy. Teste:

—— ——, Clerk Court of Appeals, D. C.

[fol. 30] Monday, February 5th, A. D. 1934.

* * * * * * *

January Term, 1934

No. 6008

Huey P. Long, Appellant,

vs.

Samuel T. Ansell

Appeal from the Supreme Court of the District of Columbia

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the order of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

Per Mr. Justice Van Orsdel.
February 5, 1934.

[fol. 31] COURT OF APPEALS, DISTRICT OF COLUMBIA, APRIL TERM, 1933

No. 6008

Special Calendar

HUEY P. LONG, Appellant,

vs.

SAMUEL T. ANSELL

Appeal from the Supreme Court of the District of Columbia

MOTION FOR MODIFICATION OF OPINION

Copy to Gen. Ansell, Feb'y 13, 1934.
Davies, Beebe, Busick & Richardson, Attorneys for Appellant, Washington, D. C.

[fol. 32] Now comes the above named appellant and requests the court for a modification of its written opinion heretofore filed in the above entitled matter, upon the ground and for the reason that there has been inadvertently included within the language of such opinion reference to matters and things vitally and essentially involved in the merits of the above entitled action which said matters and things were not before the above honorable court for decision, and were not included or involved in any of the matters or things submitted to the above entitled court for its attention, consideration, determination or decision, and that the inclusion of such matters in the said written opin-
[fol. 33] ion will materially interfere with and embarrass the above named appellant hereafter upon future proceedings in the above entitled action both in the Supreme Court of the District of Columbia and in the above entitled court.

That the matters thus inadvertently included in the said opinion and hereinbefore referred to are as follows:

That in lines 14, 15 and 16 on page 1 of said opinion the court states—

"It is sufficient to say that if the allegations of the petition are supported by sufficient evidence, the matter charged constitutes libel per se."

In lines 8 to 15 inclusive, on page 5 of said opinion:

"Defendant pitches his defense upon the exemption from arrest, and not upon his exemption from responsibility for statements made in his speech on the floor of the Senate, but were that claim advanced it would be without force since the acts charged have only remote connection with the speech. While the published articles were in part reproductions of the speech, the offense consists not in what was said in the Senate, but in the publication and circularizing of the libelous documents."

That the matter thus referred to above with respect to what constitutes "libel per se" was not embraced within the motion to quash in the court below, is involved in the merits of the above entitled action and was not to any extent whatever before the above entitled court in the above entitled proceeding.

That the matters also identified above as to character of appellant's proposed defense on the merits and the substance of his claim of exemption in further proceedings in the above entitled action, and the matter with respect to [fol. 34] the constituents of an alleged offense were likewise outside and irrelevant to the Motion to Quash and the matters properly before this court under said special appeal.

Wherefore appellant prays that the opinion in the above entitled proceeding may be modified and the identified portions thereof set forth above may be stricken from said opinion, in toto, and that the said opinion make no reference directly or indirectly to any of the matters involved in such identified portions of said opinion.

Huey P. Long, Seth W. Richardson, Davies, Beebe, Busick & Richardson, Attorneys for Appellant.

February 12, 1934.

[fol. 35] [Endorsed:] 6008. Huey P. Long, Appellant, vs. Samuel T. Ansell. Motion for Modification of Opinion. Court of Appeals, District of Columbia. Filed Feb. 13, 1934. Henry W. Hodges, Clerk.

[fol. 36] Monday, February 19th, A. D. 1934.

* * * * * * *

No. 6008

HUEY P. LONG, Appellant,

vs.

SAMUEL T. ANSELL

On consideration of the motion for modification of the opinion in the above entitled cause, it is ordered by the Court that the motion be and it hereby is denied.

[fol. 37] COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

No. 6008

HUEY P. LONG, Appellant,

vs.

SAMUEL T. ANSELL

Designation of Record

The Clerk, in the preparation of the transcript of record on petition to the Supreme Court of the United States for allowance of a writ of certiorari in the above entitled case, will include therein the following:

1. Record.
2. Argument.
3. Opinion.
4. Judgment.
5. Motion for Modification of Opinion.
6. Order denying Motion for Modification of Opinion.
7. This Designation.
8. Clerk's Certificate.

Seth W. Richardson, Attorney for Appellant.

[Endorsed:] 6008. Huey P. Long, Appellant, vs. Samuel T. Ansell. Designation of Record. Court of Appeals. District of Columbia. Filed April 4, 1934. Henry W. Hodges, Clerk.

[fol. 38] COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

I, Henry W. Hodges, Clerk of the Court of Appeals of the District of Columbia, do hereby certify that the foregoing printed and typewritten pages numbered 1 to 37, inclusive, constitute a true copy of the transcript of record and proceedings of said Court of Appeals as designated by counsel in the case of Huey P. Long, Appellant, vs. Samuel T. Ansell, No. 6008, April Term, 1934, as the same remain upon the files and records of said Court of Appeals.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court of Appeals, at the City of Washington, this 5th day of April, A. D. 1934.

Henry W. Hodges, Clerk of the Court of Appeals of the District of Columbia. (Seal Court of Appeals, District of Columbia.)

[fol. 89] SUPREME COURT OF THE UNITED STATES

ORDER ALLOWING CERTIORARI—Filed May 7, 1934

The petition herein for a writ of certiorari to the Court of Appeals of the District of Columbia is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Endorsed on cover: File No. 38,557. District of Columbia Court of Appeals. Term No. 18. Huey P. Long, Petitioner, vs. Samuel T. Ansell. Petition for a writ of certiorari and exhibit thereto. Filed April 10, 1934. File No. 18, O. T., 1934.